

EEOC Form 161-B (11/16)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: **Maria Cardenas**
c/o Julianne S. Alexander, Esq.
Mirabella, Kincaid, Frederick & Mirabella, LLC
1737 S. Naperville Road, Suite 100
Wheaton, IL 60189

From: **Chicago District Office**
230 S. Dearborn
Suite 1866
Chicago, IL 60604



On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

21B-2019-00749

Daniel Lim,
State & Local Coordinator

(312) 872-9669

(See also the additional information enclosed with this form.)

NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA **must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, **the paragraph marked below applies to your case:**



The EEOC is closing your case. Therefore, your lawsuit under the ADEA **must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice**. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission

Julianne Bowman/jwa

3/11/2020

Enclosures(s)

Julianne Bowman,
District Director

(Date Mailed)

cc:

CASTLE CREDIT CO-HOLDINGS
c/o Chief Executive Officer
8430 W. Bryn Mawr Avenue, Suite 750
Chicago, IL 60631



FILING SUIT IN COURT OF COMPETENT JURISDICTION

PRIVATE SUIT RIGHTS

The issuance of this *Notice of Right to Sue or Dismissal and Notice of Rights* ends the EEOC process with respect to your Charge. You may file a lawsuit against the Respondent within 90 days from the date you receive this Notice. Therefore, you should keep a record of the date. Once the 90 day period is over, your right to sue is lost. If you intend to consult an attorney, you should do so as soon as possible. Furthermore, in order to avoid any question that you did not act in a timely manner, if you intend to sue on your own behalf, your suit should be filed well in advance of the expiration of the 90 day period.

You may file your lawsuit in a court of competent jurisdiction. Filing this Notice is not sufficient. A court complaint must contain a short Statement of the facts of your case which shows that you are entitled to relief. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the Respondent has its main office.

You may contact the EEOC if you have any questions about your rights, including advice on which court can hear your case, or if you need to inspect and copy information contained in the case file.

IF THE FIRST THREE CHARACTERS OF YOUR EEOC CHARGE NUMBER ARE "21B" AND YOUR CHARGE WAS INVESTIGATED BY THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS (IDHR), REQUEST FOR REVIEWING AND COPYING DOCUMENTS FROM YOUR FILE MUST BE DIRECTED TO IDHR.

A lawsuit against a private employer is generally filed in the U.S. District Court.

A lawsuit under Title VII of the Civil Rights Act of 1964, as amended, against a State agency or a political subdivision of the State is also generally filed in the U.S. District Court.

However, a lawsuit under the Age Discrimination in Employment of the American with Disabilities Act or, probably, the Equal Pay Act against a State instrumentality (an agency directly funded and controlled by the State) can only be filed in a State court.

A lawsuit under the Age Discrimination in Employment Act or the American with Disabilities Act or the Equal Pay Act against a political subdivision of a State, such as municipalities and counties, may be filed in the U.S. District Court.

For a list of the U.S. District Courts, please see the reverse side.

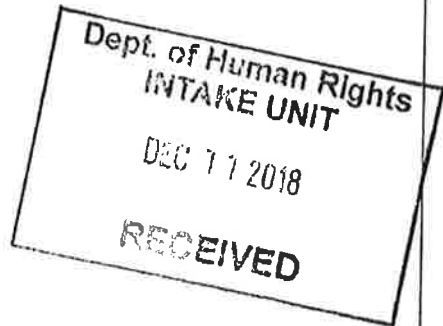

ATTORNEY REPRESENTATION

If you cannot afford an attorney, or have been unable to obtain an attorney to represent you, the court having jurisdiction in your case may assist you in obtaining a lawyer. If you plan to ask the court to help you obtain a lawyer, you must make this request of the court in the form and manner it requires. Your request to the court should be made well in advance of the 90 day period mentioned above. A request for representation does not relieve you of the obligation to file a lawsuit within the 90-day period.

DESTRUCTION OF FILE

If you file suit, you or your attorney should forward a copy of your court complaint to this office. Your file will then be preserved. Unless you have notified us that you have filed suit, your Charge file could be destroyed as early as six months after the date of the Notice of Right to Sue.

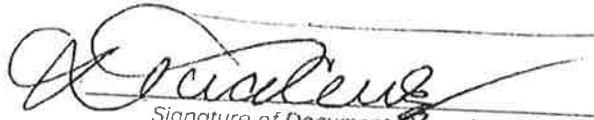
IF YOU FILE SUIT, YOU OR YOUR ATTORNEY SHOULD NOTIFY THIS OFFICE WHEN THE LAWSUIT IS RESOLVED.

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.		AGENCY <input checked="" type="checkbox"/> IDHR <input type="checkbox"/> EEOC	CHARGE NUMBER 2019 CF 1455
#19M1211.11 Illinois Department of Human Rights and EEOC			
NAME OF COMPLAINANT (indicate Mr. Ms. Mrs.) Maria Cardenas		TELEPHONE NUMBER (include area code) (312) 217-2001	
STREET ADDRESS 6114 Oldcreek Lane, Joliet, Illinois 60431		CITY, STATE AND ZIP CODE Joliet, Illinois 60431	
DATE OF BIRTH 03 / 09 / 1964 M D YEAR			
NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)			
NAME OF RESPONDENT Castle Credit Co-Holdings		NUMBER OF EMPLOYEES, MEMBERS 15+	TELEPHONE (Include area code) (800) 451-4434
STREET ADDRESS 8430 W. Bryn Mawr Avenue, Suite 750, Chicago, Illinois 60631		CITY, STATE AND ZIP CODE Chicago, Illinois 60631	
CAUSE OF DISCRIMINATION BASED ON: Sexual Harassment		DATE OF DISCRIMINATION EARLIEST (ADEA/EPA) LATEST (ALL) May 6, 2016 - July 11, 2018	
		<input checked="" type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS OF THE CHARGE ARE AS FOLLOWS: <div style="text-align: center;"> <u>SEE ATTACHED</u> </div> <div style="text-align: right;">  </div>			
Page 1 of			
I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		SUBSCRIBED AND SWORN TO BEFORE ME THIS <u>4th</u> DAY OF <u>DECEMBER</u> , 2018. <u>SEE ATTACHED JURAT.</u> NOTARY SIGNATURE	
NOTARY STAMP		 SIGNATURE OF COMPLAINANT	
		12-4-18 DATE	
I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief			

JURAT WITH AFFIANT STATEMENT

State of IL }
County of COOK } ss.

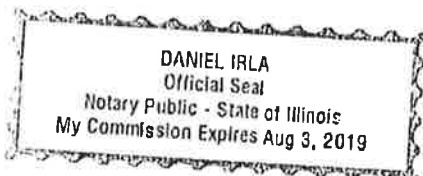
- ☒ See Attached Document (Notary to cross out lines 1-7 below)
☐ See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)


Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

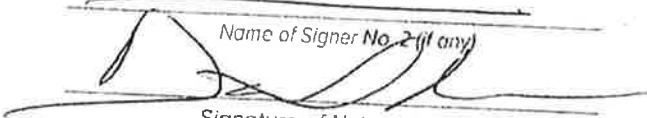
Subscribed and sworn to (or affirmed) before me
this 4TH day of DECEMBER 2018, by
Date Month Year

MARIA M CARDENAS
Name of Signer No. 1



Place Notary Seal/Stamp Above

Name of Signer No. 2 (if any)


Signature of Notary Public

DANIEL IRLA
Any Other Required Information
(Residence, Expiration Date, etc.)

OPTIONAL

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Charge of Discrimination to the
Illinois Department of Human Rights Act
Document Date: 12-4-18 Number of Pages: 9
Signer(s) Other Than Named Above: _____

**CHARGE OF DISCRIMINATION TO THE
ILLINOIS DEPARTMENT OF HUMAN RIGHTS AND EEOC**

COMPLAINANT

COMPLAINANT, MARIA CARDENAS, (hereinafter "MARIA"), is a female citizen born March 9, 1964, (presently age 54), residing in Joliet, Illinois, who was formerly employed by Castle Credit Co Holdings, LLC, as the Late-Stage Manager/Collector, from on or about May 6, 2016, until she was involuntarily terminated on July 11, 2018.

RESPONDENT

CASTLE CREDIT CO HOLDINGS, LLC, (hereinafter "CASTLE"), is an "employer" within the meaning of the Illinois Human Rights Act, ("IHRA"), and Title VII of the Civil Rights Act of 1964, as amended by the Civil Rights Act of 1991. 775 ILCS 5/2-101(B); 42 U.S.C. § 2000e(b). CASTLE, at all times relevant, was qualified to do business in the State of Illinois and was doing business at 8430 W. Bryn Mawr Avenue Suite 750, Chicago, Illinois 60631.

ISSUE/BASIS

I. Sexual Harassment beginning in February, 2018, and continuing unabated through June, 2018, which created an intimidating, hostile, and offensive work environment in violation of the IHRA and Title VII. 775 ILCS 5/2-102(D); 42 U.S.C. § 2000e-2(a).

II. Retaliation for complaining about sexual harassment resulting in termination on July 11, 2018, in violation of the Illinois Human Rights Act and Title VII of the Civil Rights Act of 1964, as amended. 775 ILCS 5/6-101(A); 42 U.S.C. § 2000e-3(a).

COUNT I – SEXUAL HARASSMENT – HOSTILE WORK ENVIRONMENT

*(Hostile Work Environment Sexual Harassment in violation of
775 ILCS 5/2-102(D) & 42 U.S.C. § 2000e-2(a))*

1. MARIA, a female, is a protected person under the IHRA and Title VII.

2. On or about May 6, 2016, CASTLE hired MARIA as the Late-Stage Manager/Collector after entering into an asset purchase agreement with MARIA's former employer, Castle Credit Corporation.

3. After the merger, CASTLE re-employed many of Castle Credit Corporation's existing staff, including Luis Miranda, who, at that time, was employed as a Collector reporting to MARIA.

4. For the timeframe between May 6, 2016, and October, 2016, MARIA reported to Thomas Anderson, CASTLE's Chief Executive Officer. From October, 2016, through May 17, 2018, MARIA reported to Alexandra ("Sasha") Baron, Vice President of Operations. Then, beginning on May 17, 2018 and continuing until she was unlawfully terminated on July 11, 2018, MARIA reported to Barb Kowalczyk, Manager of Collections and Human Resources.

5. At all times relevant, MARIA was an exceptional performer who met CASTLE's legitimate performance expectations.

6. During the timeframe between May 6, 2016, and June, 2017, MARIA was subjected to numerous instances of sexual harassment by her subordinate, Luis Miranda. Examples of Luis Miranda's sexually harassing conduct include, but are not limited to, the following:

- a. On or about May 6, 2016, Luis Miranda, who was visibly upset for reasons unknown to MARIA, stated to MARIA "calm me down. Let's go to the hotel." MARIA responded to Miranda that he should "get away" from her. MARIA also reported the incident to her then supervisor, Thomas Anderson, by stating "he keeps inviting me to the hotel."
- b. In May, 2016, Luis Miranda approached MARIA's cubicle and stated, "what would I do with those tits." MARIA responded, "you're a sicko." One of

MARIA's coworkers, Bonita, observed Miranda's unlawful behavior and stated to him, "don't talk to MARIA that way."

- c. On numerous occasions, Luis Miranda would routinely time his departures from work with MARIA so he could purposefully walk out of the building with her. For example, when MARIA left work for the day, she would exit using the elevator. On multiple occasions when MARIA entered the elevator, Miranda would rush up to the elevator and block the door from closing with his hand. After reopening the elevator, he would enter and state to MARIA, "You're not going to wait for me to go to the hotel?"
- d. On numerous occasions throughout the relevant timeframe, when Luis Miranda would call MARIA on the phone, he would state, "You know who this is; this is your man." MARIA would hang up the phone on him.
- e. On numerous occasions throughout the relevant timeframe, Luis Miranda would call MARIA and breathe heavily on the phone to mimic the sounds of sexual pleasure.
- f. On at least one occasion during the relevant timeframe, Luis Miranda approached MARIA from behind and got so close to her that she felt him breathing on the back of her neck. Surprised by how close Miranda had gotten to her body, MARIA exclaimed, "Luis, get away from me and keep your distance."
- g. On a day-to-day basis during the relevant timeframe, while in the lunchroom, Luis Miranda would repeatedly look MARIA up and down in a sexual manner,

bite his lips, and wink at MARIA. MARIA returned Miranda's sexual looks with a disgusted look.

- h. During the Christmas season of 2016, Luis Miranda approached MARIA and asked her whether she wanted to "be his date" for the Christmas party. MARIA rejected him instantly.

7. At all times, MARIA found the ongoing pattern of sexual harassment extremely unwelcome and offensive.

8. On a weekly basis between the timeframe of May 6, 2016, and June, 2017, MARIA reported Luis Miranda's unlawful sexual harassment to her then supervisors, Thomas Anderson and Sasha Baron.

9. In June, 2017, CASTLE transferred Luis Miranda to the sales department.

10. Luis Miranda's transfer to the sales department effectively remedied MARIA's sexually harassing hostile work environment.

11. In February, 2018 CASTLE transferred Luis Miranda back to the collections department.

12. After Luis Miranda returned to the collections department, he began to once again subject MARIA to numerous instances of unwelcome and offensive sexual harassment based upon her sex on a frequent, ongoing and daily basis through June, 2018. The ongoing sexual harassment that MARIA was again subjected to included, but was not limited to, the following instances:

- a. Immediately on his return to the collections department in February, 2018, Luis Miranda approached MARIA's cubicle and stated, "I'm back and this time, you are going to take me to the hotel." MARIA responded, "Luis, get away from me."

- b. In the end of February, 2018, while in the kitchen, Luis Miranda bit his lips and stated to MARIA in a sexually suggestive manner, "what would I do with you?"
- c. At the end of February/beginning of March, 2018, Luis Miranda approached MARIA's cubicle and once again asked, "why don't we go to the hotel?"
- d. Throughout the relevant timeframe, beginning in March, 2018, and continuing through May, 2018, Luis Miranda resumed his behavior of timing his work departures with MARIA's. Miranda began to, once again, routinely get on the elevator with MARIA and invite her to a hotel.
- e. On a daily basis throughout the relevant timeframe, Luis Miranda would take every opportunity in which he saw MARIA to give her sexually suggestive looks, bite his lips, and stare at her breasts.
- f. During the first week of June, 2018, Luis Miranda purposefully bumped into MARIA by the printer, blocking her exit, and stated, "when are we going to the hotel?"
- g. Each time Luis Miranda engaged in sexually harassing behavior towards MARIA, MARIA would tell Miranda to get away from her and to leave her alone. Miranda often retorted, "I love it when you get hostile."

13. At all times, MARIA found the ongoing pattern of sexual harassment extremely unwelcome and offensive.

14. MARIA complained about Luis Miranda's sexually harassing conduct to her then supervisor, Sasha Baron, and then began reporting Miranda's continued behavior to her new supervisor, Barb Kowalczyk, who took over Baron's duties on May 17, 2018.

15. Despite MARIA's repeated complaints, CASTLE took no actions to correct or stop the Luis Miranda's sexually harassing conduct.

16. Instead of taking any actions to stop the sexually harassing conduct, CASTLE promoted Luis Miranda to a Mid-Stage Manager position, which was on the same level as MARIA, in approximately May, 2018.

17. Disturbed by the lack of any response to her complaints, MARIA reported Luis Miranda's unlawful sexual harassment to Barb Kowalczyk's supervisor, Peter (last name unknown) in June, 2018. During this meeting, MARIA began crying and pleading with Peter that he take actions to stop Luis Miranda's sexually harassing behavior towards her. Peter responded "I don't know MARIA, I don't know about you." Peter also stated that it was "such a waste of talent that MARIA and Luis Miranda could not work together." MARIA responded, "The reason I can't work with him is because he is sexually harassing me." Despite MARIA's complaints, Peter, without offering any reasonable corrective measure, mandated that MARIA had to continue working with Luis Miranda.

18. CASTLE continued to take no actions in response to MARIA's complaints, or take any reasonable corrective measures. CASTLE also refused to discipline Luis Miranda in any way. Instead, CASTLE again promoted Luis Miranda to a Mid and Late-Stage Manager/Collector position after MARIA was terminated on July 11, 2018.

19. The ongoing pattern of sexual harassment had the effect of, and did create, a hostile, intimidating, and abusive work environment for MARIA, and had the purpose and effect of substantially interfering with MARIA's ability to perform the duties of her job.

20. As a direct result of the sexual harassment imposed on MARIA, MARIA suffered actual damages, including but not limited to emotional distress, humiliation, damage to her

professional and personal reputation, and pain and suffering, including the exacerbation of MARIA's known preexisting condition of Rheumatoid Arthritis.

WHEREFORE, Complainant, MARIA CARDENAS, respectfully requests that a Notice of Substantial Evidence be issued against Respondent, CASTLE CREDIT CO HOLDINGS, LLC, on her Count I claim and for such other relief as is just and equitable.

COUNT II – RETALIATION

(Retaliation in violation of 775 ILCS 5/6-101(A) & 42 U.S.C. § 2000e-3(a))

1-20. MARIA reincorporates and re-alleges Paragraphs 1-20 of Count I as if fully set forth herein.

21. On repeated occasions between May, 2018, and July, 2018, MARIA engaged in protected activity by reporting Luis Miranda's unlawful sexual harassment to management on behalf of herself and others.

22. On or about June 13, 2018, MARIA received reports that two of her subordinates had also been sexually harassed by Luis Miranda.

23. MARIA, in accordance with CASTLE's policy, reported the same to her supervisor, Barb Kowalczyk.

24. After MARIA escalated her subordinates' complaints, as well as her own, to upper management, CASTLE failed to take any reasonable corrective measures to correct or stop Luis Miranda's unlawful sexual harassment.

25. Given CASTLE's inaction to remedy Luis Miranda's unlawful conduct towards numerous women, on July 9, 2018, MARIA escalated her complaints to Thomas Anderson, CASTLE's CEO. During this meeting, MARIA recommended that CASTLE terminate Luis Miranda.

26. Immediately after MARIA recommended that CASTLE terminate Luis Miranda, Thomas Anderson told MARIA to go home. MARIA responded by insisting that "Luis is a sexual harasser." Thomas Anderson then continued to mandate that MARIA leave the premises and go home.

27. Two days later, on July 11, 2018, CASTLE terminated MARIA and gave her no reason for her termination.

28. After terminating MARIA, CASTLE has continued to employ Luis Miranda, and has since promoted him to the position of Mid and Late-Stage Manager/Collector.

29. CASTLE terminated MARIA's employment because she complained about unlawful sexual harassment on behalf of herself and others.

30. As a result of CASTLE's unlawful retaliatory actions, MARIA suffered actual damages, including but not limited to emotional distress, humiliation, damage to her professional and personal reputation, and pain and suffering, including the exacerbation of MARIA's known preexisting condition of Rheumatoid Arthritis.

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WHEREFORE, Complainant, MARIA CARDENAS, respectfully requests that a Notice of Substantial Evidence be issued against Respondent, CASTLE CREDIT CO HOLDINGS, LLC, on her Count II claim and for such other relief as is just and equitable.

Respectfully submitted,


MARIA CARDENAS

SUBSCRIBED and SWORN to

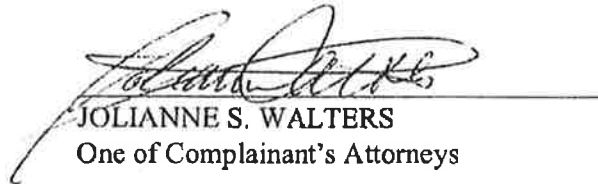
Before me this 6TH day

of DECEMBER, 2018.

SEE ATTACHED CURAT

Notary Public

Counsel for the Complainant affixes her signature hereto and on information and belief is of the opinion that the foregoing is true and accurate.


JOLIANNE S. WALTERS
One of Complainant's Attorneys

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Attorneys for Complainant
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